

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA 03 JUN - 3 AM 10:55

UNITED STATES OF AMERICA,) Magistrate Docket No. ~~U.S. DISTRICT COURT~~ 108 MJ 1740
)
Plaintiff,) COMPLAINT FOR VIOLATION OF DUTY
)
v.) Title 8, U.S.C., Section 1326
Juan Alfonso CARDENAS-Martinez,) Deported Alien Found in the
) United States
Defendant)
)

The undersigned complainant, being duly sworn, states:

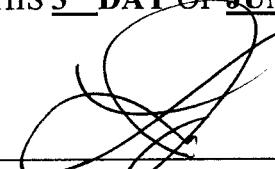
On or about **June 1, 2008** within the Southern District of California, defendant, **Juan Alfonso CARDENAS-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF JUNE, 2008



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Juan Alfonso CARDENAS-Martinez****PROBABLE CAUSE STATEMENT**

On June 01, 2008, at approximately 9:30 p.m., Border Patrol Agent I. Tabarez was performing his assigned patrol duties near Boulevard, California. This area is located approximately three miles north of the United States/ Mexico international border.

While performing his duties, Agent Tabarez, was observing seven individuals on a trail three miles north of the border. Agent Tabarez approached the group on foot to further investigate. As Agent Tabarez approached the group, they ran a short distance and tried to hide in the thick brush. After a brief search of the area, Agent Tabarez found the seven individuals. Agent Tabarez identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All seven individuals including one later identified as the defendant **Juan Alfonso CARDENAS-Martinez**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to legally enter or remain in the United States. All seven were placed under arrest and transported to the Boulevard Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **November 3, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.